

REMARKS

Claims 1-17 are pending in the subject application. By this Amendment, applicants have amended claims 7-9. Applicants maintain that no issue of new matter is raised by these amendments. Accordingly, applicants respectfully request that this Amendment be entered. Upon entry of this Amendment, claims 1-17 as amended will be pending in this application.

Applicants note that in the Office Action the Examiner indicates that claims 1-6 and 10-13 are allowed. Claims 7-9 dependent from allowed claims are rejected for certain indefinite recitation. Applicants have herein amended claims 7-9 to overcome the Examiner's rejection and maintain that these claims as amended should also be allowed. Applicants further maintain that claims 14-17 should also be deemed allowable as addressed herein below.

Rejection Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 7-9 under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner rejected claim 7 for reciting "aqueous form"; claim 8 for reciting "halopgen"; and claim 9 for reciting "nonaflatem" and lacking a comma to separate two listed moieties.

In response, applicants have amended claims 7-9. Claim 7 has been amended to recite "aqueous solution" as supported in the specification at page 5, line 17. Claim 8 has been amended to recite "halogen" instead of "halopgen" which applicant maintains is an obvious typographical error. Claim 9 has been amended to recite "nonaflate," instead of trithyl "nonaflatem" which is applicant maintains is an obvious typographical error. Accordingly, applicants maintain that these amendments obviate the Examiner's ground of rejection and respectfully request that the Examiner reconsider and withdraw this rejection.

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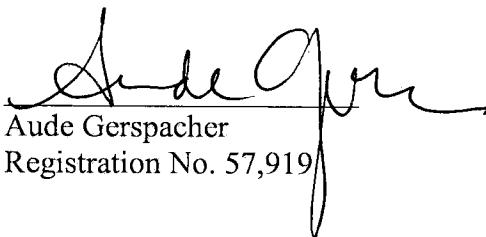
Rejection Under 35 U.S.C. 102(e)

The Examiner rejected claims 14-17 Under 35 U.S.C. 102(e)/103(a) as anticipated by or in the alternative obvious over Deshpande et al., U.S. Patent Application Publication 2005/0080072 (“Deshpande”).

In response, applicant respectfully traverses these grounds of rejection. Applicant maintains that Deshpande is not a proper prior art reference under 102(e). Applicant maintains that the date on which Deshpande is available as a reference is January 5, 2004. Applicant points out that the foreign priority date, i.e. September 3, 2003, is not to be used to calculate the 102(e) date of this reference. Nevertheless, the subject application’s effective filing date is August 8, 2003 and thus predates both the September 3, 2003 and January 5, 2004 dates of Deshpande. Applicant respectfully request that the Examiner reconsider and withdraw these grounds of rejection and allow claims 14-17.

Reconsideration and allowance of all pending claims herein are respectfully requested.

Respectfully submitted,


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